

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL RHAMBO,

Plaintiff,

v.

MATTALY INC. D/B/A THE DAIRY MART;
5337 MONTE VISTA, LLC; and DOES 1 to
10,

Defendants.

Case No.: 2:24-cv-04052-MEMF-AGR

**ORDER TO SHOW CAUSE WHY THE
COURT SHOULD NOT DECLINE TO
EXERCISE SUPPLEMENTAL
JURISDICTION OVER PLAINTIFF'S
STATE LAW CLAIMS**

On May 15, 2024, Plaintiff Michael Rhambo filed a Complaint against Defendants Mattaly Inc. D/B/A The Dairy Mart; 5337 Monte Vista, LLC; and Does 1 to 10, asserting: (1) a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12010–12213; (2) a claim for damages pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), Cal. Civ. Code §§ 51–52, *et seq.*; (3) a claim for damages pursuant to the California Disabled Persons Act, Cal. Civ. Code §§ 54, *et seq.*; (4) a claim for damages and injunctive relief pursuant to the Cal. Health & Safety Code §§ 19955, *et seq.*; and (5) a claim for negligence. ECF No. 1. The Complaint alleges that this Court has jurisdiction over the ADA claim pursuant to 28

1 U.S.C. §§ 1331 and 1343, and that the state law claims are brought “pursuant to pendant [sic]
 2 jurisdiction.” *Id.* at ¶¶ 6–7.

3 Principles of pendent jurisdiction have been codified in the supplemental jurisdiction statute,
 4 28 U.S.C. § 1337. The supplemental jurisdiction statute “reflects the understanding that, when
 5 deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in
 6 each case, and *at every stage of the litigation*, the values of judicial economy, convenience, fairness,
 7 and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added)
 8 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)).

9 California law sets forth a heightened pleading standard for a limited group of lawsuits
 10 brought under the Unruh Act. *See* Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter pleading
 11 standard requires certain plaintiffs bringing construction-access claims like the one in the instant
 12 case to file a verified complaint alleging specific facts concerning the plaintiff’s claim, including the
 13 specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff
 14 encountered each barrier or was deterred. *See* Cal. Civ. Proc. Code § 425.50(a). A “high-frequency
 15 litigant fee” is also imposed on certain plaintiffs and law firms bringing these claims. *See* Cal. Gov’t
 16 Code § 70616.5. A “high-frequency litigant” is “a plaintiff who has filed 10 or more complaints
 17 alleging a construction-related accessibility violation within the 12-month period immediately
 18 preceding the filing of the current complaint alleging a construction-related accessibility violation”
 19 and “an attorney who has represented as attorney of record 10 or more high-frequency litigant
 20 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing
 21 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ. Proc. Code
 22 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint
 23 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who
 24 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the
 25 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the
 26 individual was in the geographic area of the defendant’s business; and (4) the reason why the
 27 individual desired to access the defendant’s business.” *See id.* § 425.50(a)(4)(A).

1 In light of the foregoing, the Court orders Rhambo to show cause in writing why the Court
2 should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled Persons
3 Act claim, the California Health and Safety Code claim, and the negligence claim. *See* 28 U.S.C. §
4 1367(c). In responding to this Order to Show Cause:

- 5 1. Rhambo shall identify the amount of statutory damages he seeks to recover.
- 6 2. Rhambo and Rhambo's counsel shall also support their responses to the Order to Show
Cause with declarations, signed under penalty of perjury, providing all facts necessary for the
7 Court to determine if they satisfy the definition of a "high-frequency litigant" as provided by
8 California Code of Civil Procedure §§ 425.55(b)(1) & (2). This includes, but is not limited
9 to:
 - 10 a. the number of construction-related accessibility claims filed by Rhambo in the twelve
months preceding the filing of the present claim; and
 - 11 b. the number of construction-related accessibility claims in which Rhambo's counsel
12 has represented high-frequency litigant plaintiffs in the twelve months preceding the
13 filing of the present claim.

14 Rhambo shall file a Response to this Order to Show Cause by no later than fourteen days
15 from the date of this order. The failure to timely or adequately respond to this Order to Show Cause
16 may, without further warning, result in the Court declining to exercise supplemental jurisdiction over
17 the Unruh Act claim, the California Disabled Persons Act claim, the California Health and Safety
18 Code claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c).

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20 **IT IS SO ORDERED.**

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23 
24 Dated: June 13, 2024

25
26 MAAME EWUSI-MENSAH FRIMPONG

27 United States District Judge